

1 HEATHER E. WILLIAMS, CA Bar #122664
Federal Defender
2 Laura Myers, IL Bar #6338417
Assistant Federal Defender
3 Office of the Federal Defender
2300 Tulare Street, Suite 330
4 Fresno, CA 93721-2226
Telephone: (559) 487-5561
5 Fax: (559) 487-5950

6 Attorneys for Defendant
EVAN S. BARTON
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 EVAN S. BARTON,

15 Defendants.
16

Case No. 1:23-po-00117-SAB

**MOTION AND ORDER APPOINTING
COUNSEL**

18 U.S.C. § 3006A(c)

17
18 The Federal Defender – California Eastern hereby moves to appoint the Federal
19 Defender, case assigned to Assistant Federal Defender Laura Myers, as counsel for Defendant
20 Evan S. Barton, pursuant to U.S. CONST., amend VI, 18 U.S.C. § 3006A, EDCA General Order
21 582 (Criminal Justice Act [CJA] Plan), and *Guide to Judiciary Policy*, Vol.7, Part A, Chap.2.
22 § 210.20 subsections.

23 On June 30, 2023, law enforcement cited Mr. Barton for disorderly conduct, in violation
24 of 36 C.F.R. § 2.34(a)(1). Mr. Barton contacted our office seeking counsel in advance to
25 facilitate his appearance on September 28, 2023.

26 Under the Criminal Justice Act, a person is eligible for court appointed counsel if, after
27 the United States magistrate judge or court conducts an “appropriate inquiry,” the court is
28 satisfied that “the person is financially unable to obtain counsel.” 18 U.S.C. § 3006A(b).

Mr. Barton provided the Federal Defender a signed and completed *Financial Affidavit* as evidence of his inability to retain counsel. After reviewing the *Financial Affidavit*, the Federal Defender believes Mr. Barton cannot afford to retain counsel to advise him in this matter.

The Federal Defender respectfully recommends this Court promptly appoint the Federal Defender, case assigned to Assistant Federal Defender Laura Myers, as counsel pursuant to the law and policies cited above.

Date: September 15, 2023

/s/ Laura Myers

LAURA MYERS

Assistant Federal Defender

ORDER

Upon the Federal Defender's *Motion to Appoint Counsel* for Defendant Evan S. Barton, and good cause appearing both in (a) Mr. Barton's inability to afford to hire counsel and (b) this being a situation for which appointment should be made pursuant to U.S. CONST., amend VI, 18 U.S.C. § 3006A, EDCA General Order 582 (Criminal Justice Act [CJA] Plan), and *Guide to Judiciary Policy*, Vol.7, Part A, Chap.2. § 210.20 subsections, IT IS HEREBY ORDERED appointing the Federal Defender, case assigned to Assistant Federal Defender Laura Myers, as counsel for Mr. Barton in this matter.

IT IS SO ORDERED.

Dated: September 18, 2023



UNITED STATES MAGISTRATE JUDGE